

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF TENNESSEE, EASTERN DIVISION

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IN RE: Gloria Dianna Jones  
Debtor(s),

CHAPTER 13  
CASE NO.: 16-12012

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MOTION UNDER RULE 3002.1(e) AND MOTION TO MODIFY PLAN

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Comes the above debtor(s) and move(s) this Court pursuant to Rule 3002.1 (e) and would state:

1. That [Ocwen Loan Servicing, LLC as Servicer for Wells Fargo Bank, NA as Trustee for Option One Mortgage Loan Trust 2002-A Asset-Backed Certificates, Series 2002-A](#) (herein called mortgagee) filed a notice pursuant to Rule 3002.1(c) on [July 17, 2017](#) claiming that [\\$831.00](#) in fees, expenses and/or charges were incurred after the case was filed that are recoverable against debtor(s) or against the collateral.

2. Debtors(s) chapter 13 plan provides for payment of mortgagee's claim pursuant to 11 U.S.C. §1322(b)(5).

3. Movant(s) contend(s) that payment of said amounts are not required by either the underlying agreement or by applicable non-bankruptcy law to cure a default or maintain payments in accordance with §1322(b)(5) and further said amount should not be recoverable by mortgagee against debtor(s) or against the collateral.

WHEREFORE PREMISES CONSIDERED DEBTOR(S) PRAY(S):

1. That the Court determine that payment of said fees, expenses and/or other charges are not required to be paid by either the underlying agreement or applicable non-bankruptcy law to cure a default or maintain payments in accordance with §1322(b)(5) and to prohibit mortgagee from collecting same against debtor(s) or against the collateral.

2. Alternatively, to modify the plan to provide for payment of any recoverable amounts, to pay said amounts with the arrearage claim, and to prohibit mortgagee from collecting said amounts in any way that is inconsistent with this order, including but not limited to, through any adjustment in the amount of the ongoing mortgage payment.

3. To determine what charges, if any, are recoverable by mortgagee against debtor(s) or against the collateral to resolve this motion.
4. That any orders providing otherwise be vacated.
5. For such other relief that debtor(s) may be entitled.

/s/ Richard Walker

Richard Walker, Attorney for Debtor  
107 South Shannon St.  
Jackson, TN 38301  
731-427-5568  
BPR# 014166

Certificate of Service

I certify that I have served a copy of the Motion Under 3002.1 (e) and Modify Plan by mailing a copy of same to the following by the U.S. Mail, postage pre-paid on [July 28, 2017](#).

Debtor

Debtor's Attorney

Chapter 13 Trustee

[Ocwen Loan Servicing, LLC as Servicer for Wells Fargo Bank, NA as Trustee for Option One Mortgage Loan Trust 2002-A Asset-Backed Certificates, Series 2002-A, Attn: Cash Department, West Palm Beach FL 33409](#)

[Kyle Stewart, Sharpiro & Ingle, LLP, 10130 Perimeter Parkway, Suite 400, Charlotte, NC 28216](#)  
[Registered Agent: Corporation Service Company, 2908 Poston Ave., Nashville, TN 37203-1312-USA](#)

All Entities on Matrix

/s/ Richard Walker

Richard Walker #014166